

HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.No.10570 of 1995

14-03-2006

Between:

T.N.Ramakrishnan

... Petitioner

and

The Commissioner of Land Reforms and

Urban land Ceilings, Andhra Pradesh,

at Hyderabad and another

... Respondents

HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.No.10570 of 1995

ORDER:

The only grievance ventilated by the petitioner in the present writ petition is that pursuant to the draft statement under Section 8 (3) of the Urban Land (Ceiling and Regulation) Act, 1976, which was served on him on 24-11-1977, he filed objections on

21-12-1977 stating the existence of big water tank on the land with three small

dwelling units and the appurtenant land was sought to be granted. Without considering the said objections, the competent authority passed the final order under Sections 8 (4) and 9 of the said Act. Questioning the same, the petitioner preferred an appeal before the appellate authority, which passed the impugned order dismissing the appeal on 10-04-1995.

The appellate authority while adjudicating the appeal had called for the record from the competent authority and perused it. The appellate authority found that the record does not indicate that the petitioner had filed any objection to the draft statement and it was further found that the Enquiry Officer reported that there are no structures over the land as alleged by the petitioner and the only structure indicated in the report is that there is water tank over an extent of 9 square metres and the remaining land is clearly shown to be vacant and accordingly the appeal was dismissed.

In view of the specific stand taken by the second respondent in the counter-affidavit that the petitioner has not submitted objections and as such, final order was passed under Section 8(4) of the Act confirming the provisional order and thus denied the allegation made in para-3 of the writ affidavit. Further, the entire record from the competent authority was called for and the objections said to have been filed by the petitioner were not available in the record nor the petitioner had submitted any acknowledgement in proof of receipt of the said objections by the competent authority. In view of this, the contention of the learned counsel for the petitioner that final order was passed under Section 8(4) and 9 of the Act without considering the objections allegedly filed by the petitioner, does not merit any consideration.

In the above circumstances, the writ petition fails and is accordingly dismissed. No order as to costs.

14-03-2006

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